



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,741	09/29/2003	Atsushi Mizutome	03500.017621.	6742
5514 7590 08/19/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
LU'ONG, ALAN H				
ART UNIT		PAPER NUMBER		
2427				
MAIL DATE		DELIVERY MODE		
08/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,741

Applicant(s)

MIZUTOME ET AL.

Examiner

ALAN LUONG

Art Unit

2427

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48 and 50-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48 and 50-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 48 and 50 have been amended; claims 51, 52 are added. Therefore, claims 48 and 50-52 are pending in this application.

Claim Objections

1. Claim 51 is objected to because of the following informalities: Claim recites " the operation of tuning on the power source" at line 3 (emphasis). It should read "the operation of turning on the power source". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **48** and **50-52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pack et al. (US Pub. 2002/0010923); in view of Satake et al. (US Pub. 2001/0035917)

Regarding claim 48: Fig. 4 of Pack illustrates **a receiving apparatus** [100] or [400] of Fig. 13 **connectable to an internet** through Network interface [24] or [110] of Fig. 13, said apparatus comprising:

a receiving unit (i.e. a network interface 24 or 110 of Fig. 13) **for receiving a moving image-streaming content by an access through the internet** (i.e. a network interface 24 or 110 of Fig. 13) for executing internal TCP/IP program and implementing a web

browsing program to send and receive data to and from the Internet) to a **URL of the streaming content** (i.e. URL information of a web site for providing shopping information and may also include product names, station identification, other related products, weather information, etc.); (Pack, ¶0047, ¶0052, ¶0067, ¶0076)

a **memory unit** (i.e. information memory [19]) for storing URL information linked to the moving image-streaming content received by the receiving unit; (Pack, ¶0047, ¶0051)

a **decoder** (i.e. channel decoder [11] associated with Video decoder [13] and signal converter [15]) for decode processing the streaming content so as to be displayed on a display screen (i.e. a NTSC- or PAL-formatted video composite signal which is adequate to present onto a conventional displaying apparatus). (Pack, ¶0048, ¶0050)

a **storage** (i.e. Video memory [14]) for storing the moving image-streaming content received by the receiving unit; (Pack, ¶0047, ¶0050)

Pack further teaches a **control unit** [21] for:

(1) **controlling, responsive to the receiving by the operation unit of the operation of turning off the power source, to stop the displaying of the moving image-streaming content on the display screen**(i.e. a separate controller 21 can be used to stop (e.g., temporarily alternating accesses or the like) the video decoder 13 from decoding the data stream of the broadcast program), **to read out the URL information stored in the memory unit**, (i.e. read URL information stored in the information memory 19 and send this information to a frame composer 20) (Pack, ¶0055, ¶0057)

and to periodically repeat accessing of a URL linked to the moving image-streaming content)(i.e. Fig. 6 illustrates URL information, and product names can be achieved even when the products are displayed repeatedly possibly during several scenes of a broadcast; and the moving image-streaming content in background and URL information window as shown in Fig. 7); (Pack, ¶0054, ¶0056-¶0058), of which displaying is stopped, so as to receive the moving image-streaming content by the receiving unit and to store the moving image-streaming content in the storage, (i.e. If the decoded frame is corresponding to an infra-coded picture, the video decoder 13 can store every decoded video frame into the video memory 14. If an additional video frame of a still picture is contained in the video data stream, the video decoder 13 can store the still picture frame into the video memory 14 without outputting it to the signal converter 15). (Pack, ¶0050) and

(2) controlling, responsive to the receiving by the operation unit of the operation of turning on the power source, to read out the moving image-streaming content from the storage and to start the displaying of the moving image-streaming content on the display screen. (i.e. the controller 21 can control the signal converter 19 to output only the latest received infra-coded or still pictured stored in the video memory 14, and can read icon images and URL information having the same entry information or index number and send all the read data to the frame composer 20. The frame composer 20 can then construct a selection window including all or a part of the product information in a screen with the displayed picture in the background as shown in Fig. 9). (Pack, ¶0060-¶0062)

However, Pack is silent with respect to claim *"a power source for supplying a power at least to the decoder; an operation unit for receiving an operation of turning off and turning on the power source; responsive to the receiving by the operation unit of the operation of turning on/off the power source"*

In an analogous art directed toward a similar problem namely improving the results from a power source for supplying a power at least to the decoder, an operation unit for receiving an operation of turning off and turning on the power source

Fig. 1 of Satake illustrates the power switch 5 is connected to the board 17, which constitutes a switching means for turning power-source of the display apparatus [1] ON and OFF as **a power source for supplying a power at least to the decoder. (Satake, ¶0026)**; Fig. 4 of Satake illustrates a process of display apparatus ([1] of Fig. 1) includes **"an operation unit ([7] of fig. 1) for receiving an operation of switching ([5] of Fig. 1) from a displaying of the streaming content (i.e. text information [12]) on a display screen [9] (as shown in Fig. 3) to a displaying of the television broadcast program [10] on the display screen (as shown in Fig. 2) and an operation of switching [5] of Fig. 1; at (ST2-ST3) from the displaying of the television broadcast program on the display screen to (ST4-ST5) the displaying of the streaming content on the display screen (ST6) in a predetermined duration based on setting operation of viewers". (Satake, ¶0034-¶0036)** meets the claim limitation of **responsive to the receiving by the operation unit of the operation of turning on/off the power source**. Therefore, at the time of the invention was made, it would have been obvious to one having ordinary skill in the art to modify receiving apparatus of Pack includes a

power source and an operation unit as taught by Satake, in order to provide a switching circuit for user to enjoy TV program when such an undesired commercial advertising program is broadcast at the beginning or on the way of proceeding with a regular TV program as cited above, since any of TV viewers is obliged to wait for resumed broadcasting of the desired program for a certain duration, and yet, since an enjoyable program is interrupted, normally, TV viewers are inclined to change TV channels to avoid watching undesired commercial advertising programs. This in turn results in the lowered effect of publicity via broadcast commercial advertising programs (**Satake, ¶0005**).

Regarding claim 50: A receiving apparatus merely repeats the same limitation of claim 48, claim 50 is rejected by combination of Pack and Satake, for the same reason as discussed in claim 48.

Herein: In Fig. 4 of Pack: Network Interface [24] as **a first receiving unit**

Information memory [19] as **a memory unit**;

Tuner [10] as **a second receiving unit**

Video memory [14] as **a storage** for storing the moving image-streaming content received by the first receiving unit; and

Controller [21] as **a control unit**

Fig. 1 of Satake illustrates **an operation unit [7]** and Power switch [5] as **an operation of switching**

Regarding claim 51: The receiving apparatus according to claim 48, combination of Pack and Satake teach **wherein the control unit is further configured to, responsive to the receiving by the operation unit of the operation of tuning on the power source** (i.e. Fig. 2 and 3 of Satake show operation unit [7] under control by control unit [3] turns Power switch[5] switches to ON; display device [1] display TV program display), Pack melody adds a separate controller 21 can be used to stop (e.g., temporarily alternating accesses or the like) the video decoder 13 from decoding the data stream of the broadcast program, **to read out the URL information stored in the memory unit**, (i.e. read URL information stored in the information memory 19 and send this information to a frame composer 20) **(Pack, ¶0055, ¶0057) and to receive the latest moving image-streaming content by the receiving unit by accessing the URL linked to the moving image-streaming content.** (i.e. If the decoded frame is corresponding to an intra-coded picture, the video decoder 13 can store every decoded video frame into the video memory 14. If an additional video frame of a still picture is contained in the video data stream, the video decoder 13 can store the still picture frame into the video memory 14 without outputting it to the signal converter 15). **(Pack, ¶0050) and URL information, and product names can be achieved even when the products are displayed repeatedly possibly during several scenes of a broadcast. (Pack, ¶0054)**

Regarding claim 52: The receiving apparatus according to claim 50, combination of Pack and Satake teach **wherein the control unit is further configured to, responsive to the receiving by the operation unit of the operation of switching**

from the displaying of the television broadcast program on the display screen to the displaying of the moving image-streaming content on the display screen (i.e. Fig. 2 and 3 of Satake show Power switch[5] switches from ON to OFF; display device [1] switches TV program display[10] to information content [12]), read out the URL information stored in the memory unit (i.e. read URL information stored in the information memory 19 and send this information to a frame composer 20) (Pack, ¶0055, ¶0057) and to receive the latest moving image-streaming content by the receiving unit by accessing the URL linked to the moving image-streaming content. (i.e. If the decoded frame is corresponding to an intra-coded picture, the video decoder 13 can store every decoded video frame into the video memory 14. If an additional video frame of a still picture is contained in the video data stream, the video decoder 13 can store the still picture frame into the video memory 14 without outputting it to the signal converter 15). **(Pack, ¶0050)** and URL information, and product names can be achieved even when the products are displayed repeatedly possibly during several scenes of a broadcast. **(Pack, ¶0054)**

Response to Arguments

4. Applicant's arguments, see Remark on pages 6-9, filed 05/ 01 /2009, with respect to the rejection(s) of claim(s) 48 and 50 under 35 U.S.C. 103(a) as being unpatentable over Cuccia (US Patent 6,337,719); in view of Mitchell (US 2002/0162121) has been fully considered and is persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made by Pack et al. (US Pub. 2002/0010923), in view of Satake et al.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427